

REMARKS

Claims 41-49, and 51-52, are pending in the present application, claim 50 having been cancelled herein. The Office Action inside of references has been considered. Favorable reconsideration is respectfully requested.

Claims 41-52 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent Publication No. 2002/0129368 of Schlack et al. in view of U.S. Patent Publication No. U.S. 2002/0055876 of Gabler. This rejection is respectfully traversed for the following reasons.

Applicants respectfully submit that the present claimed invention, as reflected in independent claims 41, 49, and 51, comprise a combination of elements, including:

(a) a receiving part that receives personal information collection information setting a range of personal information collection;

(b) an information collecting part that collects the personal information at a terminal which is limited to the personal information specified by the user, based on the personal information collection information received; and

(c) with regard to the information collecting part specified in the feature (b), the limitation to the information collecting part includes a limitation relative to usage and disclosure of personal information.

Those three features of the present invention make the following matters clear:

(d) the receiving terminal device collects personal information by using the information collecting part based on a personal information collection information sent from a center system;

(e) when the information collecting part collects the personal information, the information collecting part does not collect all the personal information held in the receiving terminal device, but collects only a part of the personal information at the receiving terminal which is limited to the personal information specified by the user-- the limitation of personal information collection is determined by the user;

(f) also, the limitation to the information collecting part includes a limitation relative to usage and disclosure of personal information; and further,

(g) the receiving terminal device transmits the collected personal information to the center system.

The above features are neither disclosed in U.S. 2002/0129368 (Schlack) or U.S. 2002/0055876 (Gabler) nor suggested therein. Relative to Schlack invention, the Examiner asserts that Schlack teaches a receiving terminal device including:

(i) a receiving part that receives a personal information collection information setting range of personal information collection range receiving the viewer profile including multitude of viewer interaction, demographic, psychographic; and the range of time such as minutes, which indicates the amount of the time that elapsed since the session begin (citing paragraphs [0063], [0211] and Figs. 11 and 13); and

(ii) an information collecting part that collects the personal information at a terminal which is limited to the personal information specified by the user, based upon the personal information collection information received (citing paragraphs [0213], [0231], and [0235]).

However, Applicants respectfully submit that Schlack does not include feature (ii), or otherwise, the element (b) of the present claimed invention and the element (ii) of Schlack are very different from each other.

The Examiner also states that Schlack teaches generating a view profile storing at the STB, as well as the demographic, psychographic of the view to be performed within the television-viewing environment. The profiling of viewers is based on their viewing preferences and other interactions. And the head end (otem210) delivers program content to the STB and may receive commands and viewer profiles from the STB.

Applicants respectfully submit that the head end of Schlack receives all viewer profiles from the STB without confirming the viewers' intention. This function is, in a sense, a theft action of the viewer's important personal information performed by the data transmitting system of the Schlack system. In the Schlack system, the viewer does not possess any right to decide whether or not the center system (or head end) may receive the viewer's personal information.

The matter of "personal information at a terminal which is limited to the personal information specified by the user" specified in the present claimed invention means that the viewer completely possesses the right to decide whether or not the center system (or head end) may receive the viewer's personal information. Even though the terminal device generates a view profile, demographics, etc. in Applicants' invention, those data are never sent to the center system without the consent (or permission) of the viewer. In this point, the present claimed invention is different from Schlack system.

Gabler has little relationship to the present invention. This patent relates to a system for incentive based advertisement. The advertising server collects viewer profile data from the advertising viewers. Advertisers describe to the advertising server a profile of an ideal advertising viewer and link advertising content to the

profile. A viewer logs on to the system and receives advertising content selected to fit the viewer's profile. The viewer watches the advertising and receives an incentive in the form of an entry into a sweepstakes. In the Gabler system, it is true that a information sending part that sends collected personal information to a center system is disclosed. But, the element of "an information collecting part that collects personal information at a terminal which is limited to the personal information specified by the user" is neither disclosed nor suggested therein.

Moreover, as Applicants noted in the Amendment filed on July 18, 2005, Schlack is based on an application filed on October 31, 2001, after Applicant's first priority date of January 15, 2001. Schlack's application is based on two earlier filed provisional applications, one of which was filed on January 19, 2001, again after Applicant's earliest priority date, and the other of which was filed on January 11, 2001 (Provisional Application No. 60/260,946).

Applicants respectfully submit that the '946 provisional application does not support the disclosure in the Schlack publication which is relied upon by the Examiner in the Office Action. The Examiner has not commented, as requested by Applicant, specified where in the provisional application the claimed elements may be found. Applicants respectfully

submit that without support in the provisional application, the Schlack patent publication is not qualifying prior art.

Applicants respectfully submit, in particular, that paragraph [0063] is not supported in the provisional application. Further, Applicants note that this paragraph is relied upon by the Examiner as allegedly teaching a receiving part that receives a personal information collection information setting range of personal information collection. The Examiner appears to be asserting that this paragraph teaches that the Set Top Box (STB) receives the viewer profile including multitude of viewer interaction, demographics, etc. However, Applicants note that this paragraph relates to a piece of prior art by Despain et al. Towards the end of the paragraph, the disclosure states that

Despain et al. do not teach local storing and processing of data to generate a viewer profile to be stored and utilized at the STB. Moreover, it does not teach specific methods on how to create a demographic, psychographic or other viewer profile from a multitude of viewer interaction data or how to correlate or use those profiles for the delivery of target advertisements.

Thus, the cited paragraph teaches away from Applicants' invention, since it specifically states that the cited Despain et al. patent does not disclose those features.

Further, Applicants respectfully submit that the '946 provisional application does not support fully paragraph [0211] which is also cited by the Examiner. In particular, although on page 6 of the second document within the provisional application, sliding windows are disclosed, the specifics of Fig. 30, which is described in paragraph [0211], is not disclosed.

Applicants also submit that the details disclosed in paragraph [0235], cited by the Examiner as support for his rejection, is not supported in the '946 provisional application. On pages 7-8 of the second document, the '946 provisional application does discuss collection of signature data. However, the details of this paragraph, particularly how signatures are selected for purging, is not disclosed.

Because the specific portions of the provisional application upon which the Examiner relies are not disclosed in the '946 provisional application, the rejection must be withdrawn. In addition, for the reasons discussed above, Applicants respectfully submit that the claimed invention is not taught, disclosed or made obvious by the prior art of record, whether taken alone or in combination as proposed in the Office Action.

Appln. No. 10/045,034
Amdt. dated January 3, 2006
Reply to Office action of October 3, 2005

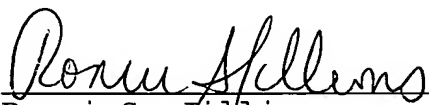
Claims 42-48, and 52 are believed to be patentable in and of themselves and as they depend from and include the recitations of the independent claim from which they depend.

In view of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of record. Applicants submit that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at (202) 628-5197.

Respectfully submitted,

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